Contents

1.	Introduction: Constitutionalism	1
	Negative Constitutionalism	2
	Positive Constitutionalism	6
	Constitutionalism: A Fresh Start	9
	Conclusion	19
2.	Sovereignty	21
	The Four Aspects of Sovereignty	23
	The Value of Sovereignty	32
	Is the Creation of a State Always Desirable?	41
	A Note on the Supposed Passing of State Sovereignty	46
	Conclusion	48
3.	The Separation of Powers	51
	The Point of the Separation of Powers	51
	Approaching the Separation of Powers	56
	Relationships Between Institutions	70
	The Demands of the Separation of Powers	76
	Conclusion	82
4.	The Rule of Law	85
	The Demands of the Rule of Law	86
	The Rule of Law and the State	104
	Conclusion	116
5.	Civil Society	121
	States and Private Groups	123
	Civil Society and the Invisible Hand	133
	Conclusion: Civil Society as a Principle of Constitutionalism	144
6.	Democracy	147
	Direct Democracy	148
	Representative Democracy	154

Contents

The Indispensability of Political Parties Conclusion	186
7. Subsidiarity The Demands of Subsidiarity The Application of Subsidiarity Subsidiarity and National Self-determination Conclusion	187 188 205 214 217
8. Conclusion: The Application of the Principles of Constitutionalism The Interconnectedness of the Principles of Constitutionalism Who Should Apply the Principles of Constitutionalism? Justified Variation in the Application of the Principles Justifiable Departures From the Principles of Constitutionalism	219 220 222 227 231
Appendix: Invisible Hand Systems The Market as an Instance of the Invisible Hand	
Invisible Hand Systems Contrasted With Direct Coordination Through Authority Conclusion Bibliography Index	250253255273